

OFFICE OF EXECUTIVE POLICY AND PROGRAMS FURLOUGH/LEAVE WITHOUT PAY POLICY AND PROCEDURE

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. Furlough Policy

As long as authorized by the General Assembly, the agency director may institute a voluntary furlough program in a fiscal year in which the general funds appropriated for a State agency are less than the general funds appropriated for that agency in the preceding fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction. Set forth below is the Governor's Office Voluntary Employee Furlough Program when the above conditions have been met.

II. Eligibility

Employees in FTE positions, time- limited positions, and temporary grant positions are eligible to participate in the voluntary furlough program.

III. Procedures

A.

Voluntary furlough may be requested by an employee in lieu of paid leave in order for the employee to be away from work. Most often, furlough is used for situations of extended absences for which the employee does not have sufficient accumulation of sick and/or annual leave. Examples: prolonged illnesses of the employee or employee's immediate family member, extended military leave, etc.

B.

Any employee desiring to go on a voluntary furlough shall submit the request to his/her supervisor on the E- leave System. By completing the leave request the employee certifies that he/she has reviewed these guidelines and is aware of their requirements. The furlough can be taken only upon

the approval of the employee's supervisor and the Office/Division Director. To the degree possible, the Governor's Office will attempt to honor the furlough request. However, the consideration of workloads, work distribution, and similar factors may necessitate that the furlough not be taken or be taken at a different time. Under no circumstances will any Governor's Office official deviate from the Agency's Affirmative Action policy in making any decisions concerning Revised voluntary furlough. Denial of any voluntary furlough request will be made in consultation with the Office/Division Director or his designee.

C.

Furloughs may be requested in any amount from one (1) to ninety (90) calendar days. No furlough under this program can exceed ninety (90) calendar days per fiscal year.

D.

This program is completely voluntary. No employee can be forced or coerced into going on a furlough under this program. Any employee who submits a leave form requesting a voluntary furlough thereby acknowledges that he or she has done so without any coercion, undue influence, threat, or intimidation of any kind or type.

E.

While on furlough, the employee will be placed in leave without pay status, without a break in service and with the continuing accumulation of sick and annual leave benefits.

F.

While on furlough, the employee is subject to all policies and procedures of the Governor's Office applicable to employees in leave without pay status. During a voluntary furlough, the employee shall be entitled to participate in the same State benefits as otherwise available to him/her except for receiving a salary.

IV. Payment of Benefits

As to the those benefits, which require employer and employee contributions, the Governor's Office will be responsible for making both Employer and Employee contributions if coverage would otherwise be interrupted.

When the voluntary furlough ends, the employee will resume his/her obligation to make the employee contributions.

The employee is solely responsible at all times to make any contributions or payments for any benefit that requires only employee contributions or payments. If there will be no paycheck from which to make deductions, the employee will be solely responsible for ensuring that payment is made for any benefit that requires only employee contributions or payments. In no case will the Governor's Office assume any responsibility for these deductions or for any benefit.

V. Leave Without Pay Policy

It is the policy of the Governor's Office that an employee should request the use of appropriate accumulated annual and/or sick leave prior to requesting Leave Without Pay (LWOP). The Agency recognizes circumstances may become such that an employee may need to request LWOP for medical or personal reasons. Additionally, when it becomes necessary for the Agency to suspend employees for disciplinary reasons, such employees will be placed on LWOP status. The following procedures would not be followed for LWOP for disciplinary reasons.

A. Medical Reasons for LWOP

1. Absences for qualifying reasons of illness or injury to the employee under the Family and Medical Leave Act (FMLA) (see Family and Medical Leave Act Policy)
2. Other illnesses or injuries that may not qualify under FMLA (see Sick Leave Policy)
3. Illnesses or injuries covered by Workers' Compensation (see Workers' Compensation Policy)

For any period of certified disability due to illness, injury or maternity, exceeding the amount of accrued sick leave, the employee may request leave to include leave without pay which, along with any paid leave that has been taken, shall not exceed 180 calendar days. The Governor's Office shall require, prior to approval of an extended disability, certification by a health care practitioner to include the projected inclusive dates of disability. Dates set forth in the health practitioner's certificate may be amended. The Governor's Office may require additional documentation from the health care provider or may secure additional medical opinions from other health care practitioners.

The request shall not be denied for a bona fide illness or disability if the employee is in an FTE position. The employee shall have the option of using or retaining accrued annual leave prior to leave without pay for a disability.

The employee shall use all sick leave before going into leave without pay status unless the Office/Division Director at his/her discretion grants an exception at the employee's request.

Should the employee return within the approved 180-day period, the Governor's Office shall reinstate the employee to the same position or one of a comparable pay band for which the employee is qualified. If the employee is unable to return to work within the 180-day period, the Governor's Office must separate the employee.

In extenuating circumstances two extensions may be available:

The Deputy Chief of Staff for Administration may extend the 180-day period of leave to a total of 365 days provided the health care practitioner certifies the employee's return within this period of time.

2.

The Deputy Chief of Staff for Administration may request from the State Office of Human Resources an extension of the disability leave beyond the 365 days without a break in service provided the health care practitioner certifies the employee's return to work within the time frame of the requested extension.

B. Personal LWOP

Leave without pay requests not covered by the proceeding provision or other State policy must be submitted by the employee in writing to the appropriate Office/Division Director management for approval in advance except in a case of medical or personal emergencies. These situations must be justified to the Office/Division Director or designee for approval prior to placing on the E-leave System. The Governor's Office of Human Resources must be notified of any leave without pay situation.

C. Other Consideration of LWOP

All LWOP must be requested and approved prior to being taken by an employee. Failure to do so would place the employee in an unauthorized leave status, which may subject the employee to disciplinary action.

Periods of authorized LWOP of over 30 consecutive working days shall not be credited as service for determining annual leave earnings.

The adjusted State service date shall be advanced one calendar day for each calendar day of LWOP taken after the expiration of the first 30 consecutive working days.

Every attempt will be made to maintain consistency in the approval/disapproval of LWOP for personal reasons (other than FMLA qualifying reasons). Such leave is considered a privilege that may be given to employees based on the following considerations:

1. The nature of the employee's request
2. The length of time
3. The number of LWOP requests
4. The employee's work history
5. Departmental staffing and workload considerations

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